

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

- against -

STEVEN BYERS et al.,

Defendants,

- and -

ELKA SHERESHEVSKY,

Relief Defendant.

CHIN, District Judge

By letter dated August 17, 2009, Broadway Bank ("Broadway") requests permission to move to intervene in this action. The Receiver responded to the substance of Broadway's request by letter dated August 19, 2009. Broadway's letter, which is three single-spaced pages long, is treated as a motion to intervene.

Broadway's motion is denied, as there is no reason Broadway's dispute with the Receiver cannot be adjudicated as part of the proceedings set forth in the Court's July 23, 2009 Opinion. Like the other creditors in this case, if Broadway cannot resolve its claim with the Receiver by August 24, 2009, the Court will resolve it in a proceeding during which Broadway will have a full and fair opportunity to be heard and make its

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ORDER

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argument. Accordingly, there is no need to permit Broadway to  
intervene at this time.

SO ORDERED.

Dated: New York, New York  
August 19, 2009



DENNY CHIN  
United States District Judge